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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In re:

GIGA WATT, Inc., a Washington
corporation,

Debtor.

Case No. 18-03197 FPC 11

The Honorable Frederick P. Corbit

Chapter 7

MARK D. WALDRON, as Chapter 7
Trustee,

Plaintiff,

vs.

Adv. Case No. 20-80031

**TRUSTEE'S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT
OF REPLY TO PERKINS' AND
NESS' OPPOSITION TO
TRUSTEE'S MOTION TO
AMEND COMPLAINT**

PERKINS COIE LLP, a Washington
limited liability partnership,
LOWELL NESS, individual and
California resident, GIGA WATT
PTE., LTD., a Singapore corporation,
and ANDREY KUZENNY, individual
and Russian citizen,

Defendants,

- and -

THE GIGA WATT PROJECT, a
partnership,

Nominal Defendant.

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1 Mark D. Waldron, in his capacity as the duly appointed Chapter 7 Trustee,
2 by and through his attorneys, the Potomac Law Group PLLC, hereby submits his
3 *Request for Judicial Notice in Support of the Trustee's Reply to Perkins' and*
4 *Ness' Opposition to Trustee's Motion to Amend Complaint*, filed herewith.

5 Pursuant to Rule 201 of the Federal Rules of Evidence, the Trustee
6 respectfully requests that the Court take judicial notice of the documents listed
7 below. This Request for Judicial Notice attaches as exhibits only those documents
8 that were filed in the United States District Court for the Eastern District of
9 Washington ("District Court") and the Court of Appeals for the Ninth Circuit
10 ("Court of Appeals"). It does not attach documents that have been filed in the
11 above captioned bankruptcy case or Adversary Proceeding.

12 **I. REQUESTS FOR JUDICIAL NOTICE OF DOCUMENTS**

13 1. *Order Denying Motion and Appeals*, dated January 7, 2022, filed in
14 the District Court in the appellate case, *Perkins Coie LLP v. Mark D. Waldron, as*
15 *Trustee*, Case No. 2:21-cv-00159-SAB, ECF No. 21, attached hereto as **Exhibit 1**;

16 2. *Order Granting Trustee's Motion for Authority to Incur and Pay*
17 *Expenses Incident to Discovery in Perkins Adversary*, dated May 3, 2022, ECF
18 No. 958 (main case);

19 3. *Stipulated Amended Scheduling Order, dated August 31, 2022*, ECF
20 No. 95 (adversary proceeding);

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4. *Status Conference Audio*, dated August 11, 2022, ECF No. 106 (adversary proceeding);

5. *First Amended Complaint*, dated September 8, 2022, ECF No. 110 (adversary proceeding);

6. *Withdrawal of First Amended Complaint*, dated September 26, 2022, ECF No. ECF No. 118 (docket entry); and

7. *Trustee's Motion for Remand or, in the Alternative to Dismiss as Moot*, dated October 12, 2022, filed in the Court of Appeals in the appellate case, *Mark D. Waldron v. Perkins Coie LLP*, Case No. 22-35104, attached hereto as **Exhibit 2**.

II. ARGUMENT

The foregoing documents fit squarely within the ambit of Rule 201, which provides:

The Court may judicially notice a fact that is not subject to reasonable dispute because it: . . . (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questions.

F.R.E. 201.

To determine the accuracy of the foregoing one need only review the docket of this Court, the District Court, or the Court of Appeals.

It is standard for a bankruptcy court to take judicial notice of its own docket. *Katzenstein v. VIII SV5556 Lender, LLC (In re Saint Vincent's Catholic*

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1 *Med. Ctrs. of N.Y.*), 440 B.R. 587, 599 (Bankr. S.D.N.Y. 2010) (taking judicial
2 notice of the docket in the underlying bankruptcy case); *In re Campbell*, 500 B.R.
3 56, 59 n. 7 (Bankr. D. N.M. 2013) (electing to take judicial notice of the entire file
4 in the case for sake of completeness as a bankruptcy court has the inherent
5 authority to take judicial notice of entries on its own docket). *Accord In re Koper*,
6 552 B.R. 208, 210 (Bankr. E.D.N.Y. 2016).

7 “Similarly, it is standard for a court to take judicial notice of the existence
8 of another court’s opinion.” *Metropolitan Creditors' Trust v. Pricewaterhouse-*
9 *coopers, LLP*, 463 F. Supp. 2d 1193, 1197–98 (E.D. Wash. 2006) (citing *Cal. ex*
10 *rel. RoNo, LLC v. Altus Fin. S.A.*, 344 F.3d 920, 931 (9th Cir. 2003) and *Lee v.*
11 *City of Los Angeles*, 250 F.3d 668, 690 (9th Cir. 2001)).

12 III. CONCLUSION

13 Wherefore, the Plaintiff respectfully requests that the Court grant the
14 Motion, allow the Trustee to file the proposed First Amended Complaint, and
15 grant such other and further relief as the Court deems necessary and just.

16 Dated: October 24, 2022 POTOMAC LAW GROUP PLLC

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18 By: s/ Pamela M. Egan
19 Pamela M. Egan (WSBA No. 54736)
20 *Attorneys for Mark D. Waldron, Chapter 7*
21 *Trustee, Plaintiff*

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